

### DRAWING AMENDMENTS

Pursuant to 37 CFR 1.84, please amend the drawings by entering the attached papers, each paper being identified "Replacement Sheet".

## REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by the undersigned attorney and applicant. Reconsideration of the application is respectfully requested.

### **1. Summary of the Office Action.**

The drawings were objected to.

Claims 1-8 and 10 were pending.

Claims 1-5, 7 and 10 stand rejected under 35 U.S.C §102(b) over Peleg (4,837,990).

Claim 6 stands rejected under 35 U.S.C §103(a) over Peleg in view of Robinson (4,651,466).

Claim 8 stands rejected under 35 U.S.C §103(a) over Peleg in view of Durham (3,162,920).

### **2. Discussion.**

#### **Drawing Objection**

Responsive to the drawing objection, enclosed are amended drawings identified by "Replacement Sheet".

#### **Claim Objection**

**Claim 10.** This claim was objected to as being informal. The claim is hereby canceled.

### **Claim Rejection(s) - 35 USC §102-103**

**Claim 1.** This claim was rejected under 35 USC §102(b) as being anticipated by Peleg. The claim is amended to patentably distinguish and limit over Peleg.

Amended claim 1 specifies that the tunnel height is adjustable with the cover in situ. As explained in the application, this has the benefit of allowing adjustment of the tunnel height and volume during the growing season which can have, for example, benefits in that heating costs can be reduced, the risk of wind damage can be reduced, etc. The ability to vary the tunnel height is achieved by providing rope anchorage points, the heights of which can be adjusted (as claimed in original claim 8). Consequently, the ropes used to anchor the cover do not need to be removed and re-tightened when it is desired to adjust the height of the tunnel.

The primary reference, Peleg, does not relate to an adjustable height tunnel. Rather, it relates to a tunnel-like structure wherein the support legs are designed in such a manner that levelling of the roof or covering can be accommodated where the structure is erected on uneven terrain. There is nothing to suggest that the height of the tunnel can be adjusted with the cover in situ, as required by the amended claim. There is further no suggestion in Peleg that the cover is secured in position using ropes anchored to rope anchorage points, the heights of which are adjustable, with the benefits outlined hereinbefore.

Durham was cited as disclosing adjustable height rope anchorages. Firstly, the adhesive grommet attachment for sheets of Durham is substantially different subject matter with respect to the polytunnel system of the present invention. Secondly, insofar as Durham describes rope

anchorage, it is noted that they are firmly attached to the cover, rather than associated with the legs as required by the now amended Claim 1.

Robinson does not appear to be of relevance to the claims as amended.

These differences are patentably significant because the amended structural and functional elements directly relate to advantages of the invention. Withdrawal of the rejection is requested.

**Claims 2, 8 and 10.** These claims are cancelled in view of the amendment of Claim 1.

**Claim 3.** This claim is amendment to synchronize dependency in view of the cancellation of claim 2.

### **3. Conclusion.**

The claims pending after this amendment are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is now in a condition for allowance. Reconsideration and favorable action are respectfully requested.

**Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, he is invited to call at the number below.**

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

Any fees due are calculated as follows:

Number      Fee

TOTAL claims remaining over that previously paid for:      None      \$0

INDEPENDENT claims remaining over that previously paid for: . None      \$0

SUM claim fees:      \$0

EXTENSION fees:      \$0

OTHER fees:      \$0

TOTAL AMOUNT (if any)      \$0

☐ Paid by enclosed check.

☐ Paid by enclosed Credit Card Payment Form(s) PTO-2038.

Respectfully submitted,



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